

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 14-17 are pending in the present application, Claims 14-17 having been amended. Support for the amendments to Claims 14-17 is found, for example, in the specification at page 59, lines 2-3, page 21, lines 16-22, and page 60, lines 11-12, and in Fig. 1. Thus, no new matter is added.

In the outstanding Office Action, Claim 14 was objected to under 35 U.S.C. §101 as directed to non-statutory subject matter; Claims 14-17 were rejected under 35 U.S.C. §103(a) as unpatentable over Saeki et al. (U.S. Patent No. 6,263,155, hereinafter Saeki) in view of Gotoh et al. (U.S. Patent No. 6,292,625, hereinafter Gotoh); and Claims 14-17 were provisionally rejected under the judicially created doctrine of obviousness double patenting as unpatentable over Claims 14-20 of copending Application No. 10/669,525, in view of Saeki, Claims 14-17 of copending Application No. 10/801,699 in view of Saeki, Claims 14-17 of copending Application No. 10/801,700 in view of Saeki, Claims 14-17 of copending Application 10/801,701 in view of Saeki, Claims 14-17 of copending Application No. 10/801,835 in view of Saeki, Claims 14-17 of copending Application No. 10/801,862 in view of Saeki, Claims 14-17 of copending Application No. 10/801,863, Claims 14-17 of copending Application No. 10/801,865, Claims 14-17 of copending Application No. 10/801,866 in view of Saeki, and Claims 14-17 of copending Application No. 10/802,004 in view of Saeki.

As for the rejection of Claim 14 under 35 U.S.C. § 101, that rejection is respectfully traversed. Claim 14 has been amended to recite “wherein said recording/reproducing apparatus employs the control information to manage the video object data.” Accordingly, it is respectfully requested that this rejection be withdrawn.

MPEP § 2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Particularly, MPEP § 2106 provides,

a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Thus, based on the clear language of this section, Claim 14 is statutory as it defines a functionality of which is realized based on the interrelationship of the structure to the medium and recited hardware components.

Further, should the Examiner disagree with the above passage, MPEP § 2106 also states that,

Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Applicants respectfully submit, as noted above, that the rejection under 35 U.S.C. §101 should be withdrawn. However, if the rejection under U.S.C. §101 is to be maintained, applicants respectfully request that the Examiner provide an explanation of the rejection in view of the guidelines of MPEP §2106.

With respect to the rejection of Claim 14 under 35 U.S.C. §103(a) as unpatentable over Saeki in view of Gotoh, Applicants respectfully traverse the rejection. Amended Claim 14 recites, *inter alia*, "said given address is defined using a logical sector number of one of said logical sectors, and an error correction code block address being defined in units of the error correction code."

According to the claimed invention, the given address of recorded data can be defined both by a logical sector number and an ECC block address. In a non-limiting embodiment of

the claimed invention, The 2 k-byte of a “sector” is used as a minimum unit of address,¹ and data is recorded with reference to logical sectors (minimum recording units).² Thus, number information (logical sector number) assigned to the logical sectors can be used as address information. Furthermore, AV address uses an ECC block as a unit.³ Thus, video object data can be configured to be recorded, based on a given address, the given address is defined using a logical sector number of one of said logical sectors **and** an error correction code block address being defined in units of the error correction code block.

Neither Saeki nor Gotoh teach or suggest the claimed “said given address is defined using a logical sector number of one of said logical sectors, and an error correction code block address being defined in units of the error correction code.”

The outstanding Office Action states “Saeki fails to teach using an error correction block address being defined in units of error correction block.”⁴ Furthermore, Saeki does not disclose or suggest that the given address of recorded data can be defined by **both** a logical sector number and an ECC block address.

The outstanding Office Action relies on col. 8, lines 20-40 of Gotoh to describe using an error correction block address used as a unit of address. However, col. 11, lines 20-40 of Gotoh only discloses that the leading address of an ECC block can be specified by address A, etc. The leading block of an ECC block having an address does not describe the entire ECC block itself is used as a unit of address.

Furthermore, col. 11, lines 50-58 of Gotoh discloses that an AV file is allocated to align with an ECC block boundary. This does not mean that the ECC block boundary is used as a unit of address. According to the embodiments of Figs. 9 and 12 of Gotoh, the leading address of extent A is specified by a unique logical block number (LBN = 592), but the

¹ Specification, page 59, lines 2-3.

² Specification, page 21, lines 16-22 and lower portion of Fig. 1.

³ Specification, page 60, lines 11-13.

⁴ Office Action, page 4.

leading address of extent A is not specified by a unique number assigned to the corresponding ECC block.

Furthermore, Fig. 5 of Gotoh suggests that a logical sector number (LSN) or logical block number (LBN) may be used to address information. However, this does not suggest that the ECC block is used for address information.

Furthermore, Gotoh does not disclose or suggest that the given address of recorded data can be defined by **both** a logical sector number and an ECC block address.

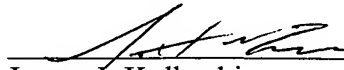
In view of the above-noted distinctions, Applicants respectfully submit that Claim 14 patentably distinguishes over Saeki and Gotoh, taken alone or in proper combination. Claims 15-17 are similar to Claim 14. According, Applicants respectfully submit that Claims 15-17 patentably distinguishes over Saeki and Gotoh, taken alone or in proper combination, for at least the reasons stated for Claim 14.

With respect to the provisional double patenting rejection of Claims 14-17, Applicants respectfully submit that the present amendments to Claims 14-17 overcome this ground of rejection.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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